



General Assembly

February Session, 2006

***Raised Bill No. 5564***

LCO No. 2160

\*02160\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING REVISIONS TO ENVIRONMENTAL  
PROTECTION PROVISIONS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (g) of section 22a-178 of the 2006 supplement  
2 to the general statutes is repealed and the following is substituted in  
3 lieu thereof (*Effective October 1, 2006*):

4 (g) When an order issued by the commissioner to any person  
5 pursuant to this chapter becomes final, except for an order to create or  
6 use emission reduction credits, the [respondent to such order shall file]  
7 commissioner shall cause a certified copy or notice of the final order to  
8 be filed on the land records in the town where the subject property is  
9 located, and such certified copy or notice shall constitute a notice to the  
10 owner's heirs, successors and assigns. [Notwithstanding the provisions  
11 of this subsection, where the respondent to a final order does not own  
12 the subject property, the commissioner shall record notice of such  
13 order on the land records in the town where the subject property is  
14 located.] When the order has been fully complied with or revoked, the  
15 commissioner shall issue a [certificate] notice showing such  
16 compliance or revocation, which [certificate the recipient of such

17 certificate shall record] the commissioner shall cause to be recorded on  
18 the land records in the town wherein the order was previously  
19 recorded. [Notwithstanding the provisions of this subsection, where  
20 the recipient of such certificate does not own the subject property, the  
21 commissioner shall record such certificate on the land records in the  
22 town where the subject property is located. A person filing a notice, a  
23 final order or a certificate pursuant to this subsection shall submit to  
24 the commissioner a certified copy of the filing indicating the volume  
25 and page number upon which the notice, final order or certificate is  
26 filed.]

27 Sec. 2. Section 22a-403 of the general statutes is amended by adding  
28 subsection (c) as follows (*Effective October 1, 2006*):

29 (NEW) (c) Notwithstanding the provisions of this section, the  
30 commissioner may construct, alter, rebuild, substantially repair, add  
31 to, replace or remove any dam, dike, reservoir or other similar  
32 structure, with their appurtenances, that are owned by the state and  
33 that are under the commissioner's control without issuance of a permit  
34 pursuant to this chapter, and without a permit, certification or  
35 approval pursuant to part I of chapter 439, or chapters 440, 444, 446i  
36 and 476a, provided such action is consistent with the policies  
37 contained in part I of chapter 439 and chapters 440, 444, 446i and 476a.  
38 Nothing in this subsection shall preclude an action under section 22a-  
39 16.

40 Sec. 3. Subsection (l) of section 1-79 of the 2006 supplement to the  
41 general statutes is repealed and the following is substituted in lieu  
42 thereof (*Effective October 1, 2006*):

43 (l) "Quasi-public agency" means the Connecticut Development  
44 Authority, Connecticut Innovations, Incorporated, Connecticut Health  
45 and Education Facilities Authority, Connecticut Higher Education  
46 Supplemental Loan Authority, Connecticut Housing Finance  
47 Authority, Connecticut Housing Authority, Connecticut Resources  
48 Recovery Authority, [Connecticut Hazardous Waste Management

49 Service,] Lower Fairfield County Convention Center Authority, Capital  
50 City Economic Development Authority and Connecticut Lottery  
51 Corporation.

52 Sec. 4. Subdivision (1) of section 1-120 of the general statutes is  
53 repealed and the following is substituted in lieu thereof (*Effective*  
54 *October 1, 2006*):

55 (1) "Quasi-public agency" means the Connecticut Development  
56 Authority, Connecticut Innovations, Incorporated, Connecticut Health  
57 and Educational Facilities Authority, Connecticut Higher Education  
58 Supplemental Loan Authority, Connecticut Housing Finance  
59 Authority, Connecticut Housing Authority, Connecticut Resources  
60 Recovery Authority, [Connecticut Hazardous Waste Management  
61 Service,] Capital City Economic Development Authority and  
62 Connecticut Lottery Corporation.

63 Sec. 5. Subsections (b) and (c) of section 16-50j of the general statutes  
64 are repealed and the following is substituted in lieu thereof (*Effective*  
65 *October 1, 2006*):

66 (b) Except for proceedings under chapter 445, this subsection and  
67 subsection (c) of this section, [and sections 22a-134cc, 22a-134ff and  
68 22a-163 to 22a-163u, inclusive,] the council shall consist of: (1) The  
69 Commissioner of Environmental Protection, or his designee; (2) the  
70 chairman, or his designee, of the Public Utilities Control Authority; (3)  
71 one designee of the speaker of the House and one designee of the  
72 president pro tempore of the Senate; and (4) five members of the  
73 public, to be appointed by the Governor, at least two of whom shall be  
74 experienced in the field of ecology, and not more than one of whom  
75 shall have affiliation, past or present, with any utility or governmental  
76 utility regulatory agency, or with any person owning, operating,  
77 controlling, or presently contracting with respect to a facility, a  
78 hazardous waste facility as defined in section 22a-115 [, a regional low-  
79 level radioactive waste facility as defined in section 22a-163a] or ash  
80 residue disposal area.

81 (c) For proceedings under chapter 445, subsection (b) of this section  
82 [.] and this subsection, [and sections 22a-134cc, 22a-134ff and 22a-163  
83 to 22a-163u, inclusive,] the council shall consist of (1) the  
84 Commissioners of Public Health and Public Safety or their designated  
85 representatives; (2) the designees of the speaker of the House of  
86 Representatives and the president pro tempore of the Senate as  
87 provided in subsection (b) of this section; (3) the five members of the  
88 public as provided in subsection (b) of this section; and (4) four ad hoc  
89 members, three of whom shall be electors from the municipality in  
90 which the proposed facility is to be located and one of whom shall be  
91 an elector from a neighboring municipality likely to be most affected  
92 by the proposed facility. The municipality most affected by the  
93 proposed facility shall be determined by the permanent members of  
94 the council. If any one of the five members of the public or of the  
95 designees of the speaker of the House of Representatives or the  
96 president pro tempore of the Senate resides [(1)] (A) in the  
97 municipality in which a hazardous waste facility is proposed to be  
98 located for a proceeding concerning a hazardous waste facility or in  
99 which a low-level radioactive waste facility is proposed to be located  
100 for a proceeding concerning a low-level radioactive waste facility, or  
101 [(2)] (B) in the neighboring municipality likely to be most affected by  
102 the proposed facility, the appointing authority shall appoint a  
103 substitute member for the proceedings on such proposal. If any  
104 appointee is unable to perform his duties on the council due to illness,  
105 or has a substantial financial or employment interest which is in  
106 conflict with the proper discharge of his duties under this chapter, the  
107 appointing authority shall appoint a substitute member for  
108 proceedings on such proposal. An appointee shall report any  
109 substantial financial or employment interest which might conflict with  
110 the proper discharge of his duties under this chapter to the appointing  
111 authority who shall determine if such conflict exists. If any state  
112 agency is the applicant, an appointee shall not be deemed to have a  
113 substantial employment conflict of interest because of employment  
114 with the state unless such appointee is directly employed by the state

115 agency making the application. Ad hoc members shall be appointed by  
116 the chief elected official of the municipality they represent and shall  
117 continue their membership until the council issues a letter of  
118 completion of the development and management plan to the applicant.

119 Sec. 6. Subdivision (10) of section 25-201 of the general statutes is  
120 repealed and the following is substituted in lieu thereof (*Effective*  
121 *October 1, 2006*):

122 (10) "Major state plan" means the master transportation plan  
123 adopted pursuant to section 13b-15, the plan for development of  
124 outdoor recreation adopted pursuant to section 22a-21, the solid waste  
125 management plan adopted pursuant to section 22a-211, the state-wide  
126 plan for the management of water resources adopted pursuant to  
127 section 22a-352, the state-wide environmental plan adopted pursuant  
128 to section 22a-8, the plan for the disposal of dredged material for Long  
129 Island Sound, the historic preservation plan adopted under the  
130 National Historic Preservation Act, as amended, the state-wide facility  
131 and capital plan adopted pursuant to section 4b-23, as amended, the  
132 water quality management plan adopted under the federal Clean  
133 Water Act, the marine resources management plan, [the Connecticut  
134 hazardous waste management plan adopted pursuant to section 22a-  
135 134cc,] the plan for managing forest resources, the wildlife  
136 management plans and the salmon restoration plan.

137 Sec. 7. Subdivision (4) of section 25-231 of the general statutes is  
138 repealed and the following is substituted in lieu thereof (*Effective*  
139 *October 1, 2006*):

140 (4) "Major state plan" means any of the following: The master  
141 transportation plan adopted pursuant to section 13b-15, the plan for  
142 development of outdoor recreation adopted pursuant to section 22a-21,  
143 the solid waste management plan adopted pursuant to section 22a-211,  
144 the state-wide plan for the management of water resources adopted  
145 pursuant to section 22a-352, the state-wide environmental plan  
146 adopted pursuant to section 22a-8, the historic preservation plan

147 adopted under the National Historic Preservation Act, 16 USC 470 et  
148 seq., the state-wide facility and capital plan adopted pursuant to  
149 section 4b-23, as amended, the long-range state housing plan adopted  
150 pursuant to section 8-37t, the comprehensive energy plan adopted  
151 pursuant to section 16a-7a, the water quality management plan  
152 adopted under the federal Clean Water Act, 33 USC 1251 et seq., [the  
153 Connecticut hazardous waste management plan adopted pursuant to  
154 section 22a-134cc,] any plans for managing forest resources adopted  
155 pursuant to section 23-20 and the Connecticut River Atlantic Salmon  
156 Compact adopted pursuant to section 26-302.

157 Sec. 8. Section 22a-161d of the general statutes is repealed and the  
158 following is substituted in lieu thereof (*Effective October 1, 2006*):

159 The Connecticut commissioner of the Northeast Interstate Low-  
160 Level Radioactive Waste Compact shall not take any action which  
161 accepts for disposal any low-level radioactive waste [, as defined in  
162 section 22a-163a,] which was generated outside the Northeast  
163 Interstate Low-Level Radioactive Waste Compact unless approval for  
164 such disposal is granted, in writing, by the chief elected official of the  
165 municipality in which a low-level radioactive waste disposal facility is  
166 located.

167 Sec. 9. Subsection (a) of section 51-344a of the 2006 supplement to  
168 the general statutes is repealed and the following is substituted in lieu  
169 thereof (*Effective October 1, 2006*):

170 (a) Whenever the term "judicial district of Hartford-New Britain" or  
171 "judicial district of Hartford-New Britain at Hartford" is used or  
172 referred to in the following sections of the general statutes, it shall be  
173 deemed to mean or refer to the judicial district of Hartford on and after  
174 September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-  
175 71a, 4-61, 4-160, as amended, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-  
176 276a, as amended, 8-30g, as amended, 9-7a, 9-7b, as amended, 9-369b,  
177 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-405k, 12-422, 12-  
178 448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-565, 12-572, 12-

179 586f, 12-597, 12-730, 13b-34, as amended, 13b-235, 13b-315, 13b-375, 14-  
180 57, 14-66, as amended, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324,  
181 14-331, 15-125, 15-126, 16-41, as amended, 16a-5, 17b-60, 17b-100, 17b-  
182 238, 17b-531, 19a-85, 19a-86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-  
183 526, 19a-633, 20-12f, 20-13e, as amended, 20-29, 20-40, 20-45, 20-59, 20-  
184 73a, 20-86f, 20-99, 20-114, as amended, 20-133, 20-154, 20-156, 20-162p,  
185 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247, 20-263, 20-271,  
186 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55, 21a-190i, 21a-196,  
187 22-7, 22-64, 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b, 22-386,  
188 22a-6b, as amended, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-  
189 62, 22a-63, 22a-66h, 22a-106a, 22a-119, [22a-163m,] 22a-167, 22a-180,  
190 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-  
191 227, 22a-250, as amended, 22a-255l, 22a-276, 22a-285a, 22a-285g, 22a-  
192 285j, 22a-310, 22a-342a, 22a-344, 22a-361a, 22a-374, 22a-376, 22a-408,  
193 22a-430, as amended, 22a-432, 22a-438, 22a-449f, as amended, 22a-449g,  
194 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, as amended, 29-158, as  
195 amended, 29-161z, 29-317, 29-323, 29-329, 29-334, 29-340, 29-369, 30-8,  
196 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, as amended, 31-284,  
197 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a,  
198 36a-494, as amended, 36a-517, as amended, 36a-587, as amended, 36a-  
199 647, 36a-684, 36a-718, 36a-807, 36b-26, as amended, 36b-27, as  
200 amended, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52,  
201 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225,  
202 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774,  
203 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, as  
204 amended, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100,  
205 47a-21, as amended, 49-73, 51-44a, as amended, 51-81b, 51-194, 52-146j,  
206 53-392d and 54-211a.

207 Sec. 10. Subsection (f) of section 22a-137 of the general statutes is  
208 repealed and the following is substituted in lieu thereof (*Effective*  
209 *October 1, 2006*):

210 (f) The provisions of this section shall not apply to the disposal of  
211 low-level radioactive waste in accordance with the provisions of

212 sections 22a-161 to [22a-165f] 22a-162a, inclusive.

213 Sec. 11. Subdivision (1) of section 22a-134 of the general statutes is  
214 repealed and the following is substituted in lieu thereof (*Effective*  
215 *October 1, 2006*):

216 (1) "Transfer of establishment" means any transaction or proceeding  
217 through which an establishment undergoes a change in ownership, but  
218 does not mean:

219 (A) [conveyance] Conveyance or extinguishment of an easement; [.]

220 (B) [conveyance] Conveyance of an establishment through a  
221 foreclosure, as defined in subsection (b) of section 22a-452f or  
222 foreclosure of a municipal tax lien; [.]

223 (C) [conveyance] Conveyance of a deed in lieu of foreclosure to a  
224 lender, as defined in and that qualifies for the secured lender  
225 exemption pursuant to subsection (b) of section 22a-452f; [.]

226 (D) [conveyance] Conveyance of a security interest, as defined in  
227 subdivision (7) of subsection (b) of section 22a-452f; [.]

228 (E) [termination] Termination of a lease and conveyance,  
229 assignment or execution of a lease for a period less than ninety-nine  
230 years including conveyance, assignment or execution of a lease with  
231 options or similar terms that will extend the period of the leasehold to  
232 ninety-nine years, or from the commencement of the leasehold, ninety-  
233 nine years, including conveyance, assignment or execution of a lease  
234 with options or similar terms that will extend the period of the  
235 leasehold to ninety-nine years, or from the commencement of the  
236 leasehold; [.]

237 (F) [any] Any change in ownership approved by the Probate Court;  
238 [.]

239 (G) [devolution] Devolution of title to a surviving joint tenant, or to



240 a trustee, executor or administrator under the terms of a testamentary  
241 trust or will, or by intestate succession; [.]

242 (H) [corporate] Corporate reorganization not substantially affecting  
243 the ownership of the establishment; [.]

244 (I) [the] The issuance of stock or other securities of an entity which  
245 owns or operates an establishment; [.]

246 (J) [the] The transfer of stock, securities or other ownership interests  
247 representing less than forty per cent of the ownership of the entity that  
248 owns or operates the establishment; [.]

249 (K) [any] Any conveyance of an interest in an establishment where  
250 the transferor is the sibling, spouse, child, parent, grandparent, child of  
251 a sibling or sibling of a parent of the transferee; [.]

252 (L) [conveyance] Conveyance of an interest in an establishment to a  
253 trustee of an inter vivos trust created by the transferor solely for the  
254 benefit of one or more sibling, spouse, child, parent, grandchild, child  
255 of a sibling or sibling of a parent of the transferor; [.]

256 (M) [any] Any conveyance of a portion of a parcel upon which  
257 portion no establishment is or has been located and upon which there  
258 has not occurred a discharge, spillage, uncontrolled loss, seepage or  
259 filtration of hazardous waste, provided either the area of such portion  
260 is not greater than fifty per cent of the area of such parcel or written  
261 notice of such proposed conveyance and an environmental condition  
262 assessment form for such parcel is provided to the commissioner sixty  
263 days prior to such conveyance; [.]

264 (N) [conveyance] Conveyance of a service station, as defined in  
265 subdivision (5) of this section; [.]

266 (O) [any] Any conveyance of an establishment which, prior to July  
267 1, 1997, had been developed solely for residential use and such use has  
268 not changed; [.]

269 (P) [any] Any conveyance of an establishment to any entity created  
270 or operating under chapter 130 or 132, or to an urban rehabilitation  
271 agency, as defined in section 8-292, or to a municipality under section  
272 32-224, or to the Connecticut Development Authority or any  
273 subsidiary of the authority; [.]

274 (Q) [any] Any conveyance of a parcel in connection with the  
275 acquisition of properties to effectuate the development of the overall  
276 project, as defined in section 32-651; [.]

277 (R) [the] The conversion of a general or limited partnership to a  
278 limited liability company under section 34-199; [.]

279 (S) [the] The transfer of general partnership property held in the  
280 names of all of its general partners to a general partnership which  
281 includes as general partners immediately after the transfer all of the  
282 same persons as were general partners immediately prior to the  
283 transfer; [.]

284 (T) [the] The transfer of general partnership property held in the  
285 names of all of its general partners to a limited liability company  
286 which includes as members immediately after the transfer all of the  
287 same persons as were general partners immediately prior to the  
288 transfer; [ or]

289 (U) [acquisition] Acquisition of an establishment by any  
290 governmental or quasi-governmental condemning authority;

291 (V) Conveyance of any real property or business operation that  
292 would qualify as an establishment solely as a result of (i) the  
293 generation of more than one hundred kilograms of universal waste in  
294 a calendar month, (ii) the storage, handling or transportation of  
295 universal waste generated at a different location, or (iii) activities  
296 undertaken at a universal waste transfer facility, provided any such  
297 real property or business operation does not otherwise qualify as an  
298 establishment, that there has been no discharge, spillage, uncontrolled

299 loss, seepage or filtration of a universal waste or a constituent of  
300 universal waste that is a hazardous substance at or from such real  
301 property or business operation and that universal waste is not also  
302 recycled, treated, except for treatment of a universal waste pursuant to  
303 40 CFR 273.13(a)(2) or (c)(2) or 40 CFR 273.33 (a)(2) or (c)(2), or  
304 disposed of at such real property or business operation; or

305 (w) Conveyance of a unit in a residential common interest  
306 community in accordance with section 12 of this act.

307 Sec. 12. (NEW) (*Effective October 1, 2006*) A conveyance of a unit in a  
308 residential common interest community shall not be subject to the  
309 requirements of sections 22a-134 to 22a-134e, inclusive, of the general  
310 statutes, as amended by this act, provided the declarant for the  
311 residential common interest community of which the unit is a part is a  
312 certifying party, as defined in section 22a-134 of the general statutes, as  
313 amended by this act, for purposes of remediation of any establishment,  
314 as defined in said section 22a-134, within such community and  
315 provides to the Commissioner of Environmental Protection a surety  
316 bond or other form of financial assurance acceptable to the  
317 commissioner.

318 Sec. 13. Subdivisions (10) and (11) of section 22a-134 of the general  
319 statutes are repealed and the following is substituted in lieu thereof  
320 (*Effective October 1, 2006*):

321 (10) "Form I" means a written certification by the transferor of an  
322 establishment on a form prescribed and provided by the commissioner  
323 that: (A) No discharge, spillage, uncontrolled loss, seepage or filtration  
324 of hazardous waste or a hazardous substance has occurred at the  
325 establishment which certification is based on an investigation of the  
326 parcel in accordance with prevailing standards and guidelines, or (B)  
327 no discharge spillage, uncontrolled loss, seepage or filtration of  
328 hazardous waste has occurred at the establishment based upon an  
329 investigation of the parcel in accordance with the prevailing standards  
330 and guidelines and the commissioner has determined, in writing, or a

331 licensed environmental professional has verified, in writing, that any  
332 discharge, spillage, uncontrolled loss, seepage or filtration of a  
333 hazardous substance has been remediated in accordance with the  
334 remediation standards and that since any such written approval or  
335 verification, including any approval or verification for a portion of an  
336 establishment, no discharge, spillage, uncontrolled loss, seepage or  
337 filtration of hazardous waste or hazardous substances has occurred at  
338 any portion of the establishment;

339 (11) "Form II" means a written certification by the transferor of an  
340 establishment on a form prescribed and provided by the commissioner  
341 that the parcel has been investigated in accordance with prevailing  
342 standards and guidelines and that (A) any pollution caused by a  
343 discharge, spillage, uncontrolled loss, seepage or filtration of  
344 hazardous waste or a hazardous substance which has occurred from  
345 the establishment has been remediated in accordance with the  
346 remediation standards and that the remediation has been approved in  
347 writing by the commissioner or has been verified pursuant to section  
348 22a-133x or section 22a-134a, as amended by this act, in writing  
349 attached to such form by a licensed environmental professional to have  
350 been performed in accordance with the remediation standards and that  
351 since any such written approval or verification, including any  
352 approval or verification for a portion of an establishment, no  
353 discharge, spillage, uncontrolled loss, seepage or filtration of  
354 hazardous waste or hazardous substances has occurred at any portion  
355 of the establishment, (B) the commissioner has determined in writing  
356 or a licensed environmental professional has verified pursuant to  
357 section 22a-133x or section 22a-134a, as amended by this act, in  
358 writing, attached to the form that no remediation is necessary to  
359 achieve compliance with the remediation standards, or (C) a Form IV  
360 verification was previously submitted to the commissioner and, since  
361 the date of the submission of the Form IV, no discharge, spillage,  
362 uncontrolled loss, seepage or filtration of hazardous waste or a  
363 hazardous substance has occurred at the establishment, which  
364 certification is based on an investigation of the parcel in accordance

365 with prevailing standards and guidelines.

366 Sec. 14. Section 22a-134 of the general statutes is amended by adding  
367 subdivisions (26) and (27) as follows (*Effective October 1, 2006*):

368 (NEW) (26) "Universal waste" means batteries, pesticides,  
369 thermostats, lamps and used electronics regulated as a universal waste  
370 under regulations adopted pursuant to subsection (c) of section 22a-  
371 449. "Universal waste" does not mean (A) batteries, pesticides,  
372 thermostats and lamps that are not covered under 40 CFR Part 273, or  
373 (B) used electronics that are not regulated as a universal waste under  
374 regulations adopted pursuant to subsection (c) of section 22a-449.

375 (NEW) (27) "Universal waste transfer facility" means any facility  
376 related to transportation, including loading docks, parking areas,  
377 storage areas and other similar areas where shipments of universal  
378 waste are held during the normal course of transportation for ten days  
379 or less.

380 Sec. 15. Subsections (g) and (h) of section 22a-134a of the general  
381 statutes are repealed and the following is substituted in lieu thereof  
382 (*Effective October 1, 2006*):

383 (g) (1) If the commissioner notifies the certifying party to a Form III  
384 or Form IV that a licensed environmental professional may verify the  
385 remediation, such certifying party shall, on or before thirty days of the  
386 receipt of such notice or such later date as may be approved in writing  
387 by the commissioner, submit a schedule for [investigating and  
388 remediating the establishment] the investigation of the parcel and  
389 remediation of the establishment. Such schedule shall, unless a later  
390 date is specified in writing by the commissioner, provide that the  
391 investigation shall be completed within two years of the date of receipt  
392 of such notice and that remediation shall be initiated within three years  
393 of the date of receipt of such notice. The schedule shall also include a  
394 schedule for providing public notice of the remediation prior to the  
395 initiation of such remediation in accordance with subsection (i) of this

396 section. The commissioner shall notify such certifying party if the  
397 commissioner determines that the commissioner's review and written  
398 approval is necessary. Such certifying party shall investigate the parcel  
399 and remediate the establishment in accordance with the proposed  
400 schedule or the schedule specified by the commissioner. [Such  
401 certifying party shall submit to the commissioner an independent  
402 verification by a licensed environmental professional that the  
403 establishment has been remediated in accordance with the remediation  
404 standards, and as applicable, a Form IV verification.] When  
405 remediation of the entire establishment is complete, the certifying  
406 party shall submit to the commissioner a final verification by a licensed  
407 environmental professional. Any such final verification may include  
408 and rely upon a verification for a portion of the establishment  
409 submitted pursuant to subdivision (2) of this subsection.

410 (2) If a certifying party completes the remediation for a portion of an  
411 establishment, such party may submit a verification by a licensed  
412 environmental professional for any such portion of an establishment.  
413 The certifying party shall be deemed to have satisfied the requirements  
414 of this subsection for that portion of the establishment covered by any  
415 such verification. If any portion of an establishment for which a  
416 verification is submitted pursuant to this subdivision is transferred,  
417 conveyed or undergoes a change in ownership before remediation of  
418 the entire establishment is complete that would not otherwise be  
419 subject to the provisions of sections 22a-134 to 22a-134e, inclusive, as  
420 amended by this act, then the certifying party shall provide notice to  
421 the commissioner of such transfer, conveyance or change in ownership  
422 not later than thirty days of any such transfer, conveyance or change in  
423 ownership.

424 (h) (1) If the commissioner notifies the certifying party to a Form III  
425 or Form IV that the commissioner's review and written approval of the  
426 investigation of the parcel and remediation of the establishment is  
427 required, such certifying party shall, on or before thirty days of the  
428 receipt of such notice or such later date as may be approved in writing

429 by the commissioner, submit for the commissioner's review and  
430 written approval a proposed schedule for: [(1)] (A) Investigating the  
431 parcel and remediating the establishment; [(2)] (B) submitting to the  
432 commissioner scopes of work, technical plans, technical reports and  
433 progress reports related to such investigation and remediation; and  
434 [(3)] (C) providing public notice of the remediation prior to the  
435 initiation of such remediation in accordance with subsection (i) of this  
436 section. Upon the commissioner's approval of such schedule, such  
437 certifying party shall, in accordance with the approved schedule,  
438 submit scopes of work, technical plans, technical reports and progress  
439 reports to the commissioner for the commissioner's review and written  
440 approval. Such certifying party shall perform all actions identified in  
441 the approved scopes of work, technical plans, technical reports and  
442 progress reports in accordance with the approved schedule. The  
443 commissioner may approve in writing any modification proposed in  
444 writing by such certifying party to such schedule or investigation and  
445 remediation. The commissioner may, at any time, notify such  
446 certifying party in writing that the commissioner's review and written  
447 approval is not required and that a licensed environmental  
448 professional may verify that the remediation has been performed in  
449 accordance with the remediation standards.

450 (2) A certifying party may complete the remediation of a portion of  
451 an establishment and request that the commissioner determine that the  
452 requirements of this subsection have been satisfied for any such  
453 portion of the establishment. If the commissioner determines that any  
454 such remediation is complete, the certifying party shall be deemed to  
455 have satisfied the requirements of this subsection for any such portion  
456 of an establishment. Any determination by the commissioner that  
457 remediation at the entire establishment has been completed may  
458 include and rely upon any determination made pursuant to this  
459 subdivision that remediation is complete at a portion of an  
460 establishment. If any portion of an establishment for which the  
461 commissioner determines that remediation is complete pursuant to  
462 this subdivision is transferred, conveyed or undergoes a change in

463 ownership before remediation of the entire establishment is complete  
464 that would not otherwise be subject to the provisions of sections 22a-  
465 134 to 22a-134e, inclusive, as amended by this act, then the certifying  
466 party shall provide notice to the commissioner of such transfer,  
467 conveyance or change in ownership not later than thirty days of any  
468 such transfer, conveyance or change in ownership.

469       Sec. 16. Subsections (e) and (f) of section 22a-133v of the general  
470 statutes are repealed and the following is substituted in lieu thereof  
471 (*Effective October 1, 2006*):

472       (e) The board shall authorize the commissioner to issue a license  
473 under subsection (d) of section 22a-133m, sections 22a-184 to 22a-184e,  
474 inclusive, this section and section 22a-133w to any person who  
475 demonstrates to the satisfaction of the board that such person: (1) (A)  
476 Has for a minimum of eight years engaged in the investigation and  
477 remediation of releases of hazardous waste or petroleum products into  
478 soil or groundwater, including a minimum of four years in responsible  
479 charge of investigation and remediation of the release of hazardous  
480 waste or petroleum products into soil or groundwater, and holds a  
481 bachelor's or advanced degree from an accredited college or university  
482 in a related science or related engineering field or is a professional  
483 engineer licensed in accordance with chapter 391, or (B) has for a  
484 minimum of fourteen years engaged in the investigation and  
485 remediation of releases of hazardous waste or petroleum products into  
486 soil or groundwater, including a minimum of seven years in  
487 responsible charge of investigation and remediation of hazardous  
488 waste or petroleum products into soil or groundwater; (2) has  
489 successfully passed a written examination, or a written and oral  
490 examination, prescribed by the board and approved by the  
491 commissioner, which shall test the applicant's knowledge of the  
492 physical and environmental sciences applicable to an investigation of a  
493 polluted site and remediation conducted in accordance with  
494 regulations adopted by the commissioner under section 22a-133k and  
495 any other applicable guidelines or regulations as may be adopted by



496 the commissioner; and (3) has paid an examination fee of one hundred  
497 eighty-eight dollars to the commissioner. In considering whether a  
498 degree held by an applicant for such license qualifies for the  
499 educational requirements under this section, the board may consider  
500 all undergraduate, graduate, postgraduate and other courses  
501 completed by the applicant.

502 (f) The board shall authorize the commissioner to issue a license to  
503 any applicant who, in the opinion of the board, has satisfactorily met  
504 the requirements of this section. The issuance of a license by the  
505 commissioner shall be evidence that the person named therein is  
506 entitled to all the rights and privileges of a licensed environmental  
507 professional while such license remains unrevoked or unexpired. A  
508 licensed environmental professional shall pay to the commissioner an  
509 annual fee of three hundred thirty-eight dollars, due and payable on  
510 July first of every year beginning with July first of the calendar year  
511 immediately following the year of license issuance. The commissioner,  
512 with the advice and assistance of the board, may adopt regulations in  
513 accordance with the provisions of chapter 54, pertaining to the design  
514 and use of seals by licensees under this section and governing the  
515 license issuance and renewal process, including, but not limited to,  
516 procedures for allowing the renewal of licenses when an application is  
517 submitted not later than six months after the expiration of the license  
518 without the applicant having to take the examination required under  
519 subsection (e) of this section.

520 Sec. 17. Subdivisions (1) to (4), inclusive, of section 22a-255h of the  
521 general statutes are repealed and the following is substituted in lieu  
522 thereof (*Effective October 1, 2006*):

523 As used in sections 22a-255g to 22a-255m, inclusive:

524 (1) "Package" means any container, produced either domestically or  
525 in a foreign country, used for the marketing, protecting or handling of  
526 a product and includes a unit package, an intermediate package and a  
527 shipping container, as defined in the American Society of Testing and

528 Materials specification D966. "Package" also means any unsealed  
 529 receptacle such as a carrying case, crate, cup, pail, rigid foil or other  
 530 tray, wrapper or wrapping film, bag or tub. [but shall not include any  
 531 glass, ceramic or metal receptacle which is intended to be reusable or  
 532 refillable.]

533 (2) "Distributor" means any person who takes title or delivery from  
 534 the manufacturer of a package, packaging component or product,  
 535 produced either domestically or in a foreign country, to use for  
 536 promotional purposes or to sell.

537 (3) "Packaging component" means any part of a package, produced  
 538 either domestically or in a foreign country, including, but not limited  
 539 to, any interior or exterior blocking, bracing, cushioning,  
 540 weatherproofing, exterior strapping, coating, closure, ink, label, dye,  
 541 pigment, adhesive, stabilizer or other additive. Tin-plated steel that  
 542 meets specification A623 of the American Society of Testing and  
 543 Materials shall be considered as a single packaging component.  
 544 [Electrolytic galvanized steel that meets specification A879 of the  
 545 American Society of Testing and Materials and hot-dipped coated  
 546 galvanized steel that meets specification A525 of the American Society  
 547 of Testing and Materials shall be treated in the same manner as tin-  
 548 plated steel] Electro-galvanized coated steel and hot dipped coated  
 549 galvanized steel that meets the American Society of Testing and  
 550 Materials specifications A653, A924, A879 and A591 shall be treated in  
 551 the same manner as tin-plated steel.

552 (4) "Commissioner" means the Commissioner of Environmental  
 553 Protection or an authorized agent or designee of the commissioner.

554 Sec. 18. Subdivisions (12) to (14), inclusive, of section 22a-255h of the  
 555 general statutes are repealed and the following is substituted in lieu  
 556 thereof (*Effective October 1, 2006*):

557 (12) "Manufacturer" means any person [, firm, association,  
 558 partnership or corporation] producing a package or packaging

559 component as defined in subdivision (3) of this section, as amended by  
560 this act.

561 (13) "Manufacturing" means the physical or chemical modification  
562 of a material to produce packaging or packaging components.

563 (14) "Supplier" means any person, firm, association, partnership or  
564 corporation which sells, offers for sale or offers for promotional  
565 purposes packages or packaging components which will be used by  
566 any other person [, firm, association, partnership or corporation] to  
567 package a product.

568 Sec. 19. Subsection (a) of section 22a-255i of the general statutes is  
569 repealed and the following is substituted in lieu thereof (*Effective*  
570 *October 1, 2006*):

571 (a) As soon as feasible, but not later than October 1, 1992, no  
572 package or packaging component shall be offered for sale or  
573 promotional purposes in this state, by its manufacturer or distributor,  
574 if it is composed of any lead, cadmium, mercury or hexavalent  
575 chromium which has been intentionally introduced during  
576 manufacturing or distribution, as opposed to the incidental presence of  
577 any of these substances.

578 Sec. 20. Section 22a-255j of the general statutes is repealed and the  
579 following is substituted in lieu thereof (*Effective October 1, 2006*):

580 All packages and packaging components shall be subject to sections  
581 22a-255g to 22a-255m, inclusive, as amended by this act, except the  
582 following:

583 (1) A package or packaging component which was manufactured  
584 prior to October 1, 1990, and displays a code indicating the date it was  
585 manufactured;

586 (2) A package or packaging component that would not exceed any  
587 maximum concentration set forth in subsection (c) of section 22a-255i,

588 as amended by this act, but for the addition or use of recycled  
589 materials; provided the provisions of sections 22a-255g to 22a-255m,  
590 inclusive, as amended by this act, shall apply to such packages on and  
591 after January 1, [2000] 2010;

592 (3) A package or packaging component to which lead, cadmium,  
593 mercury or hexavalent chromium have been added in the  
594 manufacturing or distribution process in order to comply with health  
595 or safety requirements of federal law, provided the manufacturer of  
596 such a package or packaging component has demonstrated to the  
597 commissioner that such package or packaging component is entitled to  
598 an exemption under this subdivision and the commissioner grants  
599 such exemption. The exemption shall be effective for up to two years  
600 and may be extended if circumstances warrant an extension. An  
601 extension may be granted for up to two years;

602 (4) Any alcoholic liquor bottled prior to October 1, 1992;

603 (5) A package or packaging component to which lead, cadmium,  
604 mercury or hexavalent chromium have been added in the  
605 manufacturing, forming, printing or distribution process for which  
606 there is no feasible alternative to the use of lead, cadmium, mercury or  
607 hexavalent chromium provided the manufacturer of such a package or  
608 packaging component has demonstrated to the commissioner that such  
609 package or packaging component is entitled to an exemption under  
610 this subdivision and the commissioner grants such exemption. The  
611 exemption shall be effective for two years and may be extended if  
612 circumstances warrant an extension. An extension may be granted for  
613 up to two years. For purposes of this subdivision, a use for which there  
614 is no feasible alternative is one which is essential to the protection, safe  
615 handling or function of the package's contents and for which [there is  
616 no substitute] technical constraints preclude the substitution of other  
617 materials. For purposes of this subdivision, a use for which there is no  
618 feasible alternative shall not include the use of any lead, cadmium,  
619 mercury or hexavalent chromium for the purpose of marketing;

620 (6) A package or packaging component that is reused but exceeds  
621 contaminant levels set forth in subsection (c) of section 22a-255i, as  
622 amended by this act, provided (A) the product being conveyed by such  
623 package or packaging component is regulated under federal or state  
624 health or safety requirements; (B) the transportation of such package or  
625 packaging component is regulated under federal or state  
626 transportation requirements; (C) the disposal of the package or  
627 packaging component is performed according to federal or state  
628 radioactive or hazardous waste disposal requirements; and (D) the  
629 manufacturer of such package or packaging component has  
630 demonstrated to the commissioner that such package or packaging  
631 component is entitled to an exemption under this subdivision and the  
632 commissioner grants such exemption. Any exemption granted under  
633 this subdivision shall expire on January 1, [2000] 2010;

634 (7) A package or packaging component which is reusable and has a  
635 controlled distribution and reuse but which exceeds the contaminant  
636 levels set forth in subsection (c) of section 22a-255i, as amended by this  
637 act, provided the manufacturer or distributor of such package or  
638 packaging component petitions the commissioner for an exemption  
639 and the commissioner grants such exemption. A manufacturer or  
640 distributor petitioning the commissioner for such an exemption shall  
641 (A) satisfactorily demonstrate that the environmental benefit of the  
642 reusable packaging or packaging component is significantly greater as  
643 compared to the same package or packaging component manufactured  
644 in compliance with the contaminant levels set forth in subsection (c) of  
645 section 22a-255i, as amended by this act, and (B) submit a written plan  
646 including, at a minimum, the following elements: (i) A means of  
647 identifying in a permanent and visible manner those reusable packages  
648 or packaging components containing regulated metals for which the  
649 exemption is sought; (ii) a method of regulatory and financial  
650 accountability such that a specified percentage of such reusable  
651 packaging or packaging components manufactured and distributed to  
652 other persons are not discarded by those persons after use, but are  
653 returned to the manufacturer or his designee; (iii) a system of

654 inventory and record maintenance to account for the reusable  
655 packaging or packaging components placed in and removed from  
656 service; (iv) a means of transforming returned packaging or packaging  
657 components that are no longer reusable into recycled materials for  
658 manufacturing or into manufacturing wastes which are subject to  
659 existing federal or state laws or regulations to ensure that these wastes  
660 do not enter the commercial or municipal waste stream; and (v) a  
661 system for annually reporting to the commissioner any changes to the  
662 system or changes regarding the manufacturer's designee. Any  
663 exemption granted under this subdivision shall expire on January 1,  
664 [2000] 2010;

665 (8) A glass or ceramic package or packaging component that has a  
666 vitrified label which, when prepared according to the American  
667 Society for Testing and Materials specification C1606-04 and when  
668 tested in accordance with the Toxicity Characteristic Leaching  
669 Procedures of the United States Environmental Protection Agency Test  
670 Method and Publication SW 846, third edition, "Test Methods for  
671 Evaluating Solid Waste", does not exceed one part per million for  
672 cadmium, five parts per million for hexavalent chromium and five  
673 parts per million for lead.

674 Sec. 21. Subsection (a) of section 22a-255m of the general statutes is  
675 repealed and the following is substituted in lieu thereof (*Effective*  
676 *October 1, 2006*):

677 (a) The [department] commissioner may, in consultation with the  
678 [Source Reduction Council of the Council of Northeastern Governors]  
679 other member states of the Toxics in Packaging Clearing House,  
680 review the effectiveness of sections 22a-255g to 22a-255m, inclusive, as  
681 amended by this act, and provide a report based on such review to the  
682 Governor and the General Assembly. The report may describe  
683 substitutes which manufacturers and distributors of packages and  
684 packaging components have used in place of lead, mercury, cadmium  
685 and hexavalent chromium, and may contain recommendations

686 concerning (1) other toxic substances contained in packaging that  
687 should be added to those regulated under the provisions of sections  
688 22a-255g to 22a-255m, inclusive, as amended by this act, in order to  
689 further reduce the toxicity of packaging waste, and (2) the advisability  
690 of retaining the exemption provided in subdivision (2) of section 22a-  
691 255j, as amended by this act.

692 Sec. 22. Subsection (b) of section 22a-449 of the 2006 supplement to  
693 the general statutes is repealed and the following is substituted in lieu  
694 thereof (*Effective October 1, 2006*):

695 (b) The commissioner may: (1) License terminals in the state for the  
696 loading or unloading of oil or petroleum or chemical liquids or solid,  
697 liquid or gaseous products or hazardous wastes and shall adopt, in  
698 accordance with chapter 54, reasonable regulations in connection  
699 therewith for the purposes of identifying terminals subject to licensure  
700 and protecting the public health and safety and for preventing the  
701 discharge, spillage, uncontrolled loss, seepage or filtration of oil or  
702 petroleum or chemical liquids or solid, liquid or gaseous products or  
703 hazardous wastes. Each license issued under this section shall be valid  
704 for a period of not more than [three years commencing July first] ten  
705 years from the date of issuance, unless sooner revoked by the  
706 commissioner, and there shall be charged for each such license or  
707 renewal thereof fees established by regulation sufficient to cover the  
708 reasonable cost to the state of inspecting and licensing such terminals;  
709 (2) provide by regulations for the establishment and maintenance in  
710 operating condition and position of suitable equipment to contain as  
711 far as possible the discharge, spillage, uncontrolled loss, seepage or  
712 filtration of any oil or petroleum or chemical liquids or solid, liquid or  
713 gaseous products or hazardous wastes; (3) inspect periodically all  
714 hoses, gaskets, tanks, pipelines and other equipment used in  
715 connection with the transfer, transportation or storage of oil or  
716 petroleum or chemical liquids or solid, liquid or gaseous products or  
717 hazardous wastes to make certain that they are in good operating  
718 condition, and order the renewal of any such equipment found unfit

719 for further use. No person shall commence operation of any such  
720 terminal in this state on or after July 1, 1993, without a license issued  
721 by the commissioner. Any person who operates any such terminal  
722 without a license issued by the commissioner shall be fined not more  
723 than five thousand dollars per day during any period of unlicensed  
724 operation.

725 Sec. 23. Section 22a-611 of the general statutes is repealed and the  
726 following is substituted in lieu thereof (*Effective October 1, 2006*):

727 The owner or operator of a facility required to complete a toxic  
728 release form under Section 313 of the Emergency Planning and  
729 Community Right-to-Know Act of 1986 shall annually submit such  
730 form to the commission on or before the first of July [1, 1990, and  
731 annually thereafter] or a date established by the United States  
732 Environmental Protection Agency, whichever comes later.

733 Sec. 24. Subsections (a) to (d), inclusive, of section 22a-208a of the  
734 general statutes are repealed and the following is substituted in lieu  
735 thereof (*Effective October 1, 2006*):

736 (a) The Commissioner of Environmental Protection may issue, deny,  
737 modify, renew, suspend, revoke or transfer a permit, under such  
738 conditions as he may prescribe and upon submission of such  
739 information as he may require, for the construction, alteration and  
740 operation of solid waste facilities, in accordance with the provisions of  
741 this chapter and regulations adopted pursuant to this chapter.  
742 Notwithstanding the provisions of this section, the commissioner shall  
743 not issue (1) a permit for a solid waste land disposal facility on former  
744 railroad property until July 1, 1989, unless the commissioner makes a  
745 written determination that such facility is necessary to meet the solid  
746 waste disposal needs of the state and will not result in a substantial  
747 excess capacity of solid waste land disposal areas or disrupt the  
748 orderly transportation of or disposal of solid waste in the area affected  
749 by the facility, or (2) an operational permit for a resources recovery  
750 facility unless the applicant has submitted a plan pursuant to section



751 22a-208g for the disposal or recycling of ash residue expected to be  
752 generated at the facility in the first five years of operation. In making a  
753 decision to grant or deny a permit to construct a solid waste land  
754 disposal facility, including a vertical or horizontal landfill expansion,  
755 the commissioner shall consider the character of the neighborhood in  
756 which such facility is located and may impose requirements for hours  
757 and routes of truck traffic, security and fencing and for measures to  
758 prevent the blowing of dust and debris and to minimize insects,  
759 rodents and odors. In making a decision to grant or deny a permit to  
760 construct or operate a new transfer station, the commissioner shall  
761 consider whether such transfer station will result in disproportionately  
762 high adverse human health or environmental effects. [The  
763 commissioner shall not authorize under a general permit or issue an  
764 individual permit under this section to establish or construct a new  
765 volume reduction plant or transfer station located, or proposed to be  
766 located, within one-quarter mile of a child day care center, as defined  
767 in subdivision (1) of subsection (a) of section 19a-77, in a municipality  
768 with a population greater than one hundred thousand persons  
769 provided such center is operating as of July 8, 1997. The commissioner  
770 may modify or renew a permit for an existing volume reduction plant  
771 or transfer station, in accordance with the provisions of this chapter,  
772 without regard to its location.] In making a decision to grant or deny a  
773 permit to construct an ash residue disposal area, the commissioner  
774 shall consider any provision which the applicant shall make for a  
775 double liner, a leachate collection or detection system and the cost of  
776 transportation and disposal of ash residue at the site under  
777 consideration.

778 [(b) No solid waste facility shall be built or established and no solid  
779 waste facility without a permit to construct shall be altered after July 1,  
780 1971, until the plan, design and method of operation of such facility  
781 have been filed with the department and approved by the  
782 commissioner by the issuance of a permit to construct, provided,  
783 nothing in this chapter or chapter 446e shall be construed to limit the  
784 right of any local governing body to regulate, through zoning, land

785 usage for solid waste disposal.]

786 (b) No person or municipality shall establish, construct or operate a  
787 solid waste facility without a permit issued by the commissioner under  
788 this section. An application for such permit shall be submitted on a  
789 form prescribed by the commissioner, include such information as the  
790 commissioner may require, including, but not limited to, a closure plan  
791 for such facility, and be accompanied by a fee prescribed in regulations  
792 adopted in accordance with chapter 54. Notwithstanding any  
793 provision, references to a permit to construct or a permit to operate in  
794 a regulation adopted pursuant to section 22a-209 shall be deemed to  
795 mean a permit as required by this subsection. The [commissioner]  
796 applicant shall send a written notification of any application for [a]  
797 such permit [to construct] to the chief elected official of each  
798 municipality in which the proposed facility is to be located, within five  
799 business days of the date on which any such application is filed.

800 [(c) No solid waste facility for which a permit to construct is  
801 required shall be operated on and after June 16, 1985, except for  
802 performance testing approved by the commissioner, unless such  
803 facility has been issued a permit to operate. The commissioner may  
804 issue such permit upon determination that the facility (1) will be  
805 operated in accordance with applicable laws or regulations, (2) has  
806 been constructed in accordance with a permit issued pursuant to  
807 subsection (b) of this section, and (3) has satisfactorily completed any  
808 performance tests required by the commissioner. All operating  
809 facilities holding a valid permit to construct on or before June 16, 1985,  
810 shall be issued a permit to operate and shall be allowed to continue  
811 operations prior to the issuance of such permit to operate. The  
812 commissioner shall allow any person who is lawfully disposing of ash  
813 residue within a solid waste disposal area on April 1, 1994, to continue  
814 disposing of such residue within such area until March 1, 1997, or until  
815 the issuance of a final permit to operate a new lined ash landfill in  
816 Hartford.]

817       (c) Upon written notice from the commissioner and in accordance  
818 with a schedule specified by the commissioner in such written notice,  
819 any person or municipality who owns an unpermitted solid waste  
820 disposal area shall (1) submit a closure plan for the commissioner's  
821 review and written approval, provide public notice of such proposed  
822 plan in a manner prescribed by regulations adopted pursuant to  
823 section 22a-133k and close and maintain such area after closure in  
824 accordance with the approved closure plan, or (2) remediate such  
825 disposal area in accordance with a remediation plan approved by the  
826 commissioner or verified by a licensed environmental professional  
827 pursuant to section 22a-134a, as amended by this act, 22a-134x or 22a-  
828 133y or pursuant to an order of the commissioner. A fee of three  
829 thousand dollars shall accompany any closure plan submitted  
830 pursuant to this subsection. The commissioner may require the owner  
831 of a solid waste disposal area to post sufficient performance bond or  
832 other security to ensure compliance with the approved closure plan.  
833 The commissioner may approve a modification to a closure plan for a  
834 solid waste disposal area. A fee of five hundred dollars shall  
835 accompany the request for such modification. The commissioner may  
836 reduce or waive the fees required by this subsection in cases of  
837 financial hardship and may modify such fees in regulations adopted in  
838 accordance with chapter 54. The commissioner may require a person  
839 or municipality to provide public notice of a proposed modification of  
840 a closure plan if the modification involves any activity that would  
841 disrupt the solid waste or change the use of the solid waste disposal  
842 area. Notwithstanding the provisions of this subsection, the  
843 commissioner may order a person or municipality who establishes or  
844 constructs a solid waste disposal area without first obtaining a permit  
845 as required by subsection (b) of this section to remove any solid waste  
846 disposed at such area, to remediate any pollution caused by such  
847 waste, and to properly dispose of such waste at a lawfully operated  
848 solid waste facility.

849       (d) (1) [Except as provided in subdivision (2) of this subsection, no  
850       solid waste facility which] No person or municipality who holds a

851 permit [to construct shall be altered on and after June 16, 1985, until  
 852 the proposed plan, design and] issued under this section shall alter the  
 853 design or method of operation of the [altered facility have been filed  
 854 with the commissioner and approved by him by issuance of a modified  
 855 permit] permitted facility without first obtaining a modified permit.  
 856 For the purposes of this section and sections 22a-208, 22a-208b, 22a-  
 857 220a, 22a-225 and 22a-226, "alter" means [(A)] to change to any  
 858 substantive degree the [approved] design, capacity, volume process or  
 859 operation of a solid waste facility [holding a permit to construct,] and  
 860 includes, but is not limited to, changes in the approved capacity or  
 861 composition of solid waste disposed of, processed, reduced, stored or  
 862 recycled at the facility. [, or (B) to change to any substantive degree the  
 863 existing design, capacity, volume, process or operation of a solid waste  
 864 facility not holding a permit to construct and includes, but is not  
 865 limited to, changes in the volume or composition of solid waste  
 866 disposed, stored, processed, reduced or recycled at the facility.] The  
 867 commissioner may approve, in writing, a modification of a closure  
 868 plan for a closed permitted solid waste disposal area without  
 869 modifying the permit for such area. The commissioner may require a  
 870 person who, or a municipality that, requests such modification to  
 871 provide public notice of a proposed modification of a closure plan if  
 872 the modification involves any activity that would disrupt the solid  
 873 waste or change the use of the solid waste disposal area. A fee of five  
 874 hundred dollars shall accompany any request for such modification of  
 875 a closure plan. The commissioner may reduce or waive such fee in  
 876 cases of financial hardship and may modify such fee in accordance  
 877 with regulations adopted in accordance with chapter 54.

878 (2) Changes in design, processes or operations, including the  
 879 addition of thermal oxidizers or other air pollution control equipment,  
 880 made to mitigate, correct or abate odors from a solid waste facility that  
 881 is owned or operated by the Connecticut Resources Recovery  
 882 Authority and that contracts with more than fifty municipalities, shall  
 883 not be considered an alteration requiring a modified permit or minor  
 884 permit amendment under this chapter. In addition, notwithstanding

885 any provision of the general statutes or regulation adopted pursuant to  
886 said statutes, any such change shall not be considered a modification  
887 or new stationary source requiring a permit to construct or operate  
888 under chapter 446c or under any regulation adopted pursuant to  
889 chapter 446c, unless such change is a major modification or a major  
890 stationary source requiring a permit under the federal Clean Air Act  
891 Amendments of 1990. Any person making any such change to an odor  
892 control system at such a facility shall, not more than thirty days after  
893 making such change, submit a written report to the commissioner fully  
894 describing the changes made and the reason for such changes for the  
895 commissioner's review and comment. Nothing in this subdivision shall  
896 affect the commissioner's authority to take any other action to enforce  
897 the requirements of this title.

898 Sec. 25. Section 22a-207 of the general statutes is amended by adding  
899 subdivisions (25) and (26) as follows (*Effective October 1, 2006*):

900 (NEW) (25) "Person" has the same meaning as in subsection (c) of  
901 section 22a-2.

902 (NEW) (26) "Closure plan" means a comprehensive written plan,  
903 including maps, prepared by a professional engineer licensed by the  
904 state that details the closure of a solid waste disposal area and that  
905 addresses final cover design, stormwater controls, landfill gas controls,  
906 water quality monitoring, leachate controls, postclosure maintenance  
907 and monitoring, financial assurance for closure and postclosure  
908 activities, postclosure use and any other information that the  
909 commissioner determines is necessary to protect human health and the  
910 environment from the effects of the solid waste disposal areas.

911 Sec. 26. Subsection (a) of section 22a-430b of the general statutes is  
912 repealed and the following is substituted in lieu thereof (*Effective*  
913 *October 1, 2006*):

914 (a) The Commissioner of Environmental Protection may issue a  
915 general permit for a category or categories of discharges regulated

916 pursuant to section 22a-430, as amended, [except for process  
 917 wastewater discharges from the following industrial categories as  
 918 defined pursuant to the federal Water Pollution Control Act: Timber  
 919 products processing; electroplating; iron and steel manufacturing;  
 920 inorganic chemicals manufacturing (I and II); textile mills; petroleum  
 921 refining; pulp, paper and paperboard; steam electric power plants;  
 922 leather tanning and finishing; porcelain enameling; coil coating I; coil  
 923 coating (can making); electrical and electronic components (I and II);  
 924 metal finishing; copper forming; aluminum forming; pharmaceuticals  
 925 and manufacturing; nonferrous metals manufacturing (I and II);  
 926 battery manufacturing; plastics molding and forming; nonferrous  
 927 metals forming; pesticides; metal molding and casting; organic  
 928 chemicals, plastics and synthetic fibers manufacturing; and] except for  
 929 a discharge covered by an individual permit. The general permit may  
 930 regulate, within a geographical area, (1) A category of discharges  
 931 which: Involve the same or substantially similar types of operations,  
 932 involve the same type of wastes, require the same effluent limitations,  
 933 operating conditions or standards, and require the same or similar  
 934 monitoring and which in the opinion of the commissioner are more  
 935 appropriately controlled under a general permit; (2) stormwater  
 936 discharges; or (3) a category of discharges not requiring a permit under  
 937 the federal Water Pollution Control Act. Any person or municipality  
 938 conducting an activity covered by a general permit shall not be  
 939 required to apply for or obtain an individual permit pursuant to  
 940 section 22a-430, as amended, except as provided in subsection (c) of  
 941 this section. The general permit may require that any person or  
 942 municipality initiating, creating, originating or maintaining any  
 943 discharge into the waters of the state under the general permit shall  
 944 register such discharge with the commissioner before the general  
 945 permit becomes effective as to such discharge. Registration shall be on  
 946 a form prescribed by the commissioner.

947 Sec. 27. (NEW) (*Effective October 1, 2007*) (a) The Commissioner of  
 948 Environmental Protection may issue, modify or revoke orders to  
 949 correct or abate violations of chapter 446m of the general statutes,

950 including, but not limited to, any regulation adopted pursuant to  
951 chapter 446m of the general statutes. Any such order may include  
952 remedial measures necessary to correct or abate such violations. Such  
953 orders may be issued to any person who violates any provision of  
954 chapter 446d of the general statutes or any regulation adopted  
955 pursuant to chapter 446m of the general statutes.

956 (b) Each order issued under chapter 446m of the general statutes  
957 shall be served by certified mail, return receipt requested, or by a state  
958 marshal or indifferent person. If a state marshal or indifferent person  
959 serves the order, a true copy of the order shall be served, and the  
960 original, with a return of such service endorsed thereon, shall be filed  
961 with the commissioner. The order shall be deemed to be issued upon  
962 service or upon deposit in the mail. Any order issued pursuant to  
963 chapter 446d of the general statutes shall state the basis on which it is  
964 issued.

965 (c) Unless a person aggrieved by an order files a written request for  
966 a hearing before the commissioner not later than thirty days after the  
967 date of issuance, such order shall become final. If requested, the  
968 commissioner shall hold a hearing as soon thereafter as practicable. A  
969 request for a hearing shall be a condition precedent to any appeal. The  
970 commissioner may, after the hearing or at any time after the issuance  
971 of the order, modify such order by agreement or extend the time  
972 schedule therefor if the commissioner deems such modification or  
973 extension advisable or necessary, and any such modification or  
974 extension shall be deemed to be a revision of an existing order and  
975 shall not constitute a new order. There shall be no hearing subsequent  
976 to or any appeal from any such modification or extension.

977 (d) After hearing, the commissioner shall consider all supporting  
978 and rebutting evidence and affirm, modify or revoke such order in the  
979 commissioner's discretion and shall so notify the recipient of the order  
980 by certified mail, return receipt requested.

981 (e) The final order of the commissioner shall be subject to appeal as

982 set forth in sections 4-183 and 4-184 of the general statutes, except that  
983 any such appeal shall be taken to the superior court for the judicial  
984 district of New Britain.

985       Sec. 28. (NEW) (*Effective October 1, 2007*) (a) Whenever, in the  
986 judgment of the Commissioner of Environmental Protection, any  
987 person has engaged in or is about to engage in any acts, practices or  
988 omission which constitute, or will constitute, a violation of any  
989 provision of chapter 446m of the general statutes, or any regulation  
990 adopted or order issued pursuant to chapter 446m of the general  
991 statutes, at the request of the Commissioner of Environmental  
992 Protection, the Attorney General may bring an action in the superior  
993 court for the judicial district of New Britain for an order enjoining such  
994 acts or practices, to order remedial measures, or for an order directing  
995 compliance and, upon a showing by the commissioner that such  
996 person has engaged in any such acts, practices or omissions, a  
997 permanent or temporary injunction, restraining order or other order  
998 may be granted.

999       (b) Any person who violates any provision of chapter 446m of the  
1000 general statutes, including, but not limited to, any regulation adopted  
1001 or order issued pursuant to chapter 446m of the general statutes, shall  
1002 be assessed a civil penalty not to exceed twenty-five thousand dollars  
1003 per day, to be fixed by the court, for each offense. Each violation shall  
1004 be a separate and distinct offense and, in the case of a continuing  
1005 violation, each day's continuance thereof shall be deemed to be a  
1006 separate and distinct offense. The Attorney General, upon request of  
1007 the commissioner, shall institute a civil action in the superior court for  
1008 the judicial district of New Britain to recover such penalty.

1009       (c) If two or more persons are responsible for a violation of any  
1010 provision of chapter 446m of the general statutes, including, but not  
1011 limited to, any regulation adopted or order issued pursuant to said  
1012 chapter 446m, such persons shall be jointly and severally liable under  
1013 this section.



1014 (d) Any action brought by the Attorney General pursuant to this  
1015 section shall have precedence in the order of trial as provided in  
1016 section 52-191 of the general statutes.

1017 Sec. 29. (NEW) (*Effective October 1, 2007*) (a) Any person who, with  
1018 criminal negligence, violates any provision of chapter 446m of the  
1019 general statutes, including, but not limited to, any regulation adopted  
1020 or order issued pursuant to chapter 446m of the general statutes, or  
1021 who makes any false statement, representation, certification in any  
1022 application, notification, request for exemption, record, plan, report or  
1023 other document filed or required to be maintained under chapter 446m  
1024 of the general statutes, shall be fined not more than twenty-five  
1025 thousand dollars per day for each day of violation or be imprisoned  
1026 not more than one year, or both. A subsequent conviction for any such  
1027 violation shall carry a fine of not more than fifty thousand dollars per  
1028 day for each day of violation or imprisonment for not more than two  
1029 years, or both.

1030 (b) Any person who knowingly violates any provision of chapter  
1031 446m of the general statutes, including, but not limited to, any  
1032 regulation adopted or order issued pursuant to chapter 446m of the  
1033 general statutes, or who makes any false statement, representation, or  
1034 certification in any application, notification, request for exemption,  
1035 record, plan, report or other document filed or required to be  
1036 maintained under chapter 446m of the general statutes, shall be fined  
1037 not more than fifty thousand dollars per day for each day of violation  
1038 or be imprisoned not more than three years, or both. A subsequent  
1039 conviction for any such violation shall carry a fine of not more than  
1040 fifty thousand dollars per day for each day of violation or  
1041 imprisonment for not more than ten years, or both.

1042 Sec. 30. Sections 22a-134aa to 22a-134oo, inclusive, 22a-163 to 22a-  
1043 163aa, inclusive, 22a-164 and 22a-165 to 22a-165h, inclusive, and  
1044 section 22a-207b of the general statutes are repealed. (*Effective October*  
1045 *1, 2006*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2006</i>	22a-178(g)
Sec. 2	<i>October 1, 2006</i>	22a-403
Sec. 3	<i>October 1, 2006</i>	1-79(l)
Sec. 4	<i>October 1, 2006</i>	1-120(1)
Sec. 5	<i>October 1, 2006</i>	16-50j(b) and (c)
Sec. 6	<i>October 1, 2006</i>	25-201(10)
Sec. 7	<i>October 1, 2006</i>	25-231(4)
Sec. 8	<i>October 1, 2006</i>	22a-161d
Sec. 9	<i>October 1, 2006</i>	51-344a(a)
Sec. 10	<i>October 1, 2006</i>	22a-137(f)
Sec. 11	<i>October 1, 2006</i>	22a-134(1)
Sec. 12	<i>October 1, 2006</i>	New section
Sec. 13	<i>October 1, 2006</i>	22a-134(10) and (11)
Sec. 14	<i>October 1, 2006</i>	22a-134
Sec. 15	<i>October 1, 2006</i>	22a-134a(g) and (h)
Sec. 16	<i>October 1, 2006</i>	22a-133v(e) and (f)
Sec. 17	<i>October 1, 2006</i>	22a-255h(1) to (4)
Sec. 18	<i>October 1, 2006</i>	22a-255h(12) to (14)
Sec. 19	<i>October 1, 2006</i>	22a-255i(a)
Sec. 20	<i>October 1, 2006</i>	22a-255j
Sec. 21	<i>October 1, 2006</i>	22a-255m(a)
Sec. 22	<i>October 1, 2006</i>	22a-449(b)
Sec. 23	<i>October 1, 2006</i>	22a-611
Sec. 24	<i>October 1, 2006</i>	22a-208a(a) to (d)
Sec. 25	<i>October 1, 2006</i>	22a-207
Sec. 26	<i>October 1, 2006</i>	22a-430b(a)
Sec. 27	<i>October 1, 2007</i>	New section
Sec. 28	<i>October 1, 2007</i>	New section
Sec. 29	<i>October 1, 2007</i>	New section
Sec. 30	<i>October 1, 2006</i>	Repealer section

***Statement of Purpose:***

To streamline the filing process of environmental compliance orders on land records; to eliminate the need to obtain a permit to construct, repair or alter state-owned dams; to repeal provisions relating to the Connecticut Hazardous Waste Management Service and the creation of a low-level radioactive waste account and low-level radioactive

waste management fund; to exempt facilities that solely generate universal waste and residential common interest communities, under certain conditions, from the Transfer Act; to define universal waste for purposes of the Transfer Act; to allow a certifying party under the Property Transfer Act to verify that a portion of an establishment is remediated; to revise provisions regarding the renewal of a Licensed Environmental Professional license and the qualifications to be a Licensed Environmental Professional; to clarify that the ban on the use of certain materials in packages also applies to packaging; to extend the annual license renewal for a Marine Terminal to ten years; to clarify the timing of the requirements to submit Toxic Release Inventory forms annually; to require a permit for the construction, establishment or operation of a solid waste facility and to require a person who owns a unpermitted facility to submit a closure plan for it; to apply criminal and civil penalties to the Mercury Reduction Act; and to remove the prohibition to issue general permits to regulate certain process wastewater discharges to municipal pollution abatement facilities.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*